

**REMARKS**

By this Amendment, Applicant proposes canceling claims 50, 52-65, 89-94, 97-103, and 106, without prejudice or disclaimer of the subject matter contained therein. Accordingly, claims 1, 2, 6-27, 31-49, 87, 88, 95, 96, 104 and 105 will be pending upon entry of the claim amendments. Applicant requests re-examination and the prompt allowance of this application.

The Notice of Panel Decision from Pre-Appeal Brief Review mailed November 29, 2010 indicates the continued rejection of claims 50, 52-65, 89, 90, 97-103, and 106 and the allowance of claims 1, 2, 6-27, 31-49, 87, 88, 95, 96, 104, and 105.<sup>1</sup> See Notice of Panel Decision from Pre-Appeal Brief Review. Applicant gratefully acknowledges the indication of allowed claims.

For the sole purpose of expediting prosecution in this application, claims 50, 52-65, 89-94, 97-103, and 106 have been cancelled, without prejudice or disclaimer of the subject matter contained therein. Accordingly, the rejections of claims 50, 52-65, 89-94, 97-103, and 106 are now moot. This amendment in no way reflects Applicant's agreement with the Examiner's characterization of the claims, prior art, or the rejections. Instead, Applicant proposes this amendment solely to place this application in condition for allowance. Applicant also reserves the right to pursue the subject matter in claims 50, 52-65, 89-94, 97-103, and 106 at a later time in another application, such as a continuation. Applicant also reserves the right to argue differences between the subject

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<sup>1</sup> The Notice indicates that rejected claim 106 also is allowed. Applicant believes this indication was made in error and requests appropriate clarification, if necessary.

matter of the cancelled claims and the cited reference if the need for such arguments arises.

Accordingly, Applicant respectfully requests that this Amendment under 37 C.F.R. § 1.116 and pursuant to 37 C.F.R. § 41.33 be entered by the Examiner, placing this application in condition for allowance. Applicant submits that the cancelation of claims 50, 52-65, 89-94, 97-103, and 106 does not raise new issues or necessitate the undertaking of any additional search of the art by the Examiner. Additionally, the allowability of claims 1, 2, 6-27, 31-49, 87, 88, 95, 96, 104 and 1015 was indicated in the Notice of Panel Decision from Pre-Appeal Brief Review mailed November 29, 2010. Therefore, this amendment should allow for immediate action by the Examiner.

Applicant also submits that the entry of the amendment would place the application in better form for appeal, should the Examiner dispute the patentability of the pending claims.

The Office Action contains characterizations of the claims and the related art with which Applicant does not necessarily agree. Unless expressly noted otherwise, Applicant declines to subscribe to any statement or characterization in the Office Action.

In discussing the specification, claims, and drawings in this Amendment, it is to be understood that Applicant is in no way intending to limit the scope of the claims to an exemplary embodiment described in the specification or abstract and/or shown in the drawings. Rather, Applicant is entitled to have the claims interpreted broadly, to the maximum extent permitted by statute, regulation, and applicable case law.

If the Examiner believes a telephone conversation might advance prosecution, the Examiner is invited to call Applicant's undersigned representative at 202-408-4241.

Please grant any extensions of time required to enter this response and charge any additional required fees to Deposit Account No. 06-0916.

Respectfully submitted,

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GARRETT & DUNNER, L.L.P.

Dated: December 28, 2010

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